

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| NICHOLAS MARTIN,                | ) |                             |
|                                 | ) |                             |
| Plaintiff,                      | ) |                             |
| v.                              | ) | Case No. 10-cv-3300         |
|                                 | ) |                             |
| RESURGENT CAPITAL SERVICES, LP, | ) | Judge Nordberg              |
| AND                             | ) |                             |
| LVNV FUNDING, LLC,              | ) | Magistrate Judge Soat Brown |
|                                 | ) |                             |
| Defendants.                     | ) |                             |

**UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME  
TO FILE AN ANSWER OR OTHERWISE PLEAD**

Defendants, LVNV FUNDING, LLC and RESURGENT CAPITAL SERVICES, LP, by and through their attorneys, David M. Schultz and Nabil G. Foster with Hinshaw & Culbertson LLP, and pursuant to Federal Rule of Civil Procedure Rule 6(b) respectfully request this Court to grant Defendants an enlargement of time of 21 days, up to and including August 20, 2010, to file their responsive pleadings to Plaintiff's Complaint. In support of their motion, Defendants state the following.

1. This case involves an alleged violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1662 and the Telephone Consumer Protection Act, 47 U.S.C. § 227.
2. Upon receipt of the instant lawsuit, Defendants' counsel contacted Plaintiff's counsel to request an extension of time to respond to the complaint as well as a settlement demand.
3. Plaintiff's counsel has no objection to an extension of time for Defendants to respond to the complaint. The parties have begun to discuss settlement.

4. The parties intend to discuss possible settlement of this case and if the case is not resolved in the next 21 days, Defendants seek an enlargement of time and leave of court to file their response to the Complaint.

5. Counsel for Defendants requests an additional 21 days to continue settlement discussions with Plaintiff and prepare a response to the Complaint.

6. The additional time is not meant for purposes of delay or harassment.

7. Plaintiff's counsel has no objection to this motion.

WHEREFORE, Defendant, LVNV FUNDING, LLC and RESURGENT CAPITAL SERVICES, LP, respectfully request this Court, vacate any defaults, grant leave to file a response to the amended complaint and grant an enlargement of time up to and including August 20, 2010, to file an answer or otherwise respond to Plaintiff's Complaint.

Date: July 28, 2010

Respectfully submitted,

By: s/ Nabil G. Foster  
One of the Attorneys for Defendant

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**CERTIFICATE OF SERVICE**

I, Nabil G. Foster, an attorney, certify that I shall cause to be served a copy of the **DEFENDANT'S MOTION FOR AN ENLARGEMENT OF TIME TO FILE AN ANSWER OR OTHERWISE PLEAD** upon the following individual(s), by deposit in the U.S. mail box at 222 North LaSalle Street, Chicago, Illinois 60601, postage prepaid, before the hour of 4:00 p.m., messenger delivery, Federal Express, facsimile transmitted from (312) 704-3001, or electronically via the Case Management/Electronic Case Filing System ("ECF") as indicated, this 28<sup>th</sup> day of July 2010.

  X   CM/ECF  
      Facsimile  
      Federal Express  
      Mail  
      Messenger

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